

# CITY OF GREENACRES

## OFFICIAL MINUTES TRACKING

Council/Board: City Council

Meeting Date: 2-1-16

Transcribed by: mef No. of Pages: 19 Transcription Time: \_\_\_\_\_

### REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
<u>Dmc</u>	<u>2-29-16</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

### APPROVAL OF MINUTES

Meeting Date: 3-7-16

Motion By: Bousquet Seconded By: Duga

Check One:  Approved  Tabled  Denied Vote: 5/0

Changes requested by Council or Board?  Yes  No

If yes, note changes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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Date Scanned and Filed: \_\_\_\_\_ By: \_\_\_\_\_



**OFFICIAL MINUTES**

**CITY OF GREENACRES  
5800 Melaleuca Lane  
Greenacres, FL 33463**

**CITY COUNCIL MEETING  
Monday, February 1, 2016- 7:00 PM**

**1. Call To Order and Roll Call.**

Mayor Ferreri called the City Council Meeting of Monday, February 1, 2016 to order at 7:00 p.m. Denise McGrew, City Clerk/Administrative Services Director, called the roll.

**ROLL CALL:**

**Council Present:**

Samuel J. Ferreri, Mayor  
Jonathan G. Pearce, Deputy Mayor  
Lisa Rivera, Councilwoman  
Peter A. Noble, Councilman  
Judith Dugo, Councilwoman  
Paula Bousquet, Councilwoman

**Staff Present:**

Thomas Lanahan, Acting City Manager  
Denise McGrew, City Clerk/Admin. Services Director  
Michael Grimm, Director/Building  
Michele Thompson, Director/Leisure Services  
Melody Larson, Assistant to the City Clerk  
Sean Murray, Captain/PBSO

Attendees from Public: 42

Press: 2

**2. Pledge of Allegiance to the Flag.**

Mayor Samuel J. Ferreri asked participants of the City's youth program to help him lead with the Pledge of Allegiance.

**3. Comments From the Public for Agenda Items Only.**

Mayor Ferreri asked if there were comments from the public; hearing none, he continued with the Agenda.

**4. Agenda Approval.**

- A. Additions, deletions, or substitutions to the Agenda.
- B. Motion to approve and adopt entire agenda as set.

Mayor Ferreri inquired if there were any additions, deletions or substitutions to the Agenda. Councilwoman Rivera asked to move Agenda Item No. 9.A, Palm Beach Villas II Sidewalks, to Regular Agenda Item 7.J. Mayor Ferreri deferred to City Attorney James Stokes to verify that by moving this item it would not pose a legal problem. Mr. Stokes confirmed it would not pose a problem.

Mr. Stokes asked to reschedule Agenda Item 7.H - PBSO Contract Amendment to the February 22, 2016 City Council Meeting since he was still working with PBSO on this item.

Mayor Ferreri called for a motion to reflect the changes as proposed.

**MOTION:** Councilwoman Dugo made a motion to amend the February 1, 2016 City Council Agenda as follows: Move Item 9.A - Palm Beach Villas II Sidewalks to Regular Agenda Item 7.J and remove and reschedule Item 7.H – PBSO Contract Amendment to the February 22, 2016 City Council Meeting. Deputy Mayor Pearce seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

**5. Special Business.**

A. **Proclamation:** "Random Acts of Kindness Day" for February 17, 2016 – Samuel J. Ferreri, Mayor.

City Clerk Denise McGrew read the proclamation into the record.

Mayor Ferreri called for a motion.

**MOTION :** Councilwoman Bousquet made a motion to proclaim February 17, 2016 as "Random Acts of Kindness Day". Councilman Noble seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

Nancy Birardi, Program Coordinator of the "Turning Bullies into Buddies" Program which is part of the Literacy Coalition of Palm Beach County, recognized Diamond View Elementary School Art Teacher Mary Heller for working with the students in designing this year's pink T-shirt. Ms. Birardi thanked the City for their support and partnership with the Literacy Coalition.

- B. **Proclamation:** “Pink Shirt Day” for February 24, 2016 – Samuel J. Ferreri, Mayor.

City Clerk Denise McGrew read the proclamation into the record.

Mayor called for a motion.

**MOTION :** Councilwoman Bousquet made a motion to proclaim February 24, 2016 as “Pink Shirt Day” in Greenacres. Councilwoman Rivera seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

Mayor Ferreri presented both proclamations to Diamond View Principal Carolyn Seal.

Ms. Seal invited City officials to Diamond View to attend a fun-filled day of random acts of kindness with students from Santaluces High School and Tradewinds Middle School all wearing pink shirts on February 24, 2016. Sponsors include McDonalds, Children’s Services Council, Royal Palm Beach Mazda and the City of Greenacres as a non-profit sponsor.

- C. **Introduction & Swearing-In:** New City Manager Andrea Monzon McCue.

Mayor Ferreri welcomed newly appointed City Manager Andrea McCue to the City.

Mrs. McCue stated she is looking forward to being a part of the City team and is here with her family visiting from Pennsylvania.

**6. Consent Agenda.**

- A. Mayor Ferreri asked Council if they wished to pull any of the six (6) Consent Agenda items. Deputy Mayor Pearce asked to pull Item 5. Mayor Ferreri called for motion.

- 1. **Official Minutes:** City Council Meeting of January 4, 2016 – Denise McGrew, City Clerk.

- 2. **Proclamation:** “Eating Disorder Awareness Week” for February 22-28, 2016 – Samuel J. Ferreri, Mayor.

- 3. **Proclamation:** “Hands Only CPR Day” for February 13, 2016 – Samuel J. Ferreri, Mayor.

4. **Bid Award:** Award of Bid No. 16-005 for the Community Center Food Service Equipment to Advance Case Parts, Inc. in the amount of \$81,673.00 as the lowest responsive and responsible bidder; pursuant to Staff Memo – Monica Powery, Purchasing Administrator.
  
6. **Resolution No. 2016-03:** Authorizing the execution of the Fiscal Year 2015-2016 Community Development Block Grant (CDBG) Agreement for Phase 2 of the Stormwater Drainage Enhancement in the Original Section; and providing for an effective date; pursuant to Staff Memo – Thomas J. Lanahan, Acting City Manager.

**MOTION:** Councilwoman Rivera made a motion to approve Consent Agenda Items 1-4 and 6, pulling Item 5 for review. Councilwoman Bousquet seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

5. **RFP Award:** Award of RFP No. 16-006 for the Fire Assessment Rate Study to Tindale-Oliver & Associates, Inc. in the amount of \$50,700.00 for Phases 1 and 2; pursuant to Staff Memo – Monica Powery, Purchasing Administrator.

Deputy Mayor Pearce questioned the tie in the ranking.

Mr. Lanahan confirmed that the Selection Committee's ranking produced a tie and upon further discussion the tie was resolved based on Tindale-Oliver and Associates, Inc. conducting better research on the City. Based on that fact, the Committee's final action chose Tindale-Oliver and Associates, Inc.

Deputy Mayor Pearce stated that he found Government Services, Inc. to have more experience with fire assessments and made a motion.

**MOTION :** Deputy Mayor Pearce made a motion to award the contract to Government Services, Inc. Councilwoman Rivera seconded the motion.

Discussion on the Motion:

Mayor Ferreri pointed out that Council has no backup on Government Services, Inc.'s experience and recommended that staff provide more information at the February 22, 2016 City Council Meeting.

Councilwoman Rivera asked how Deputy Mayor Pearce obtained his information.

Deputy Mayor Pearce said he looked it up on the Internet and found that Government Services, Inc. had been conducting studies since the early 2000's.

Councilwoman Bousquet suggested taking staff's recommendation.

Councilman Noble pointed out that Deputy Mayor's comments are hearsay; staff conducted a thorough review and made their recommendation, and now Council wants to make a change, "that's not good government".

Mayor Ferreri wanted to see all the pertinent information before voting. He believed that staff had already checked references and spoken to former clients and would like to know how staff arrived at their determination.

He called for a vote on the motion.

<b>VOTE ON THE MOTION:</b>	<b>In Favor:</b> Deputy Mayor Pearce, Councilwoman Rivera, and Councilwoman Dugo.
	<b>Opposed:</b> Councilman Noble and Councilwoman Bousquet.

**Motion carried: 3 - 2.**

**7. Regular Agenda:**

- A. **PUBLIC HEARING: Ordinance No. 2016-01:** Second Reading; Amending the future land use map of the future land use element of the City's Comprehensive Plan, to change the future land use designation of one parcel of land totaling approximately 0.746 acres, located at 609 Jackson Avenue, from Residential-Medium Density (RS-MD) to Mixed Use (MU), as requested by the owners, G.P. and Louise C. Suggs; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the Comprehensive Plan; and providing for an effective date; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Acting City Manager.

Denise McGrew, City Clerk, read Ordinance No. 2016-01 into the record on second reading.

Zoning Administrator Kara Ferris described the request to change the future land use designation of a 0.746 acre site (Family Dollar) located west of Jackson Avenue, north of 10<sup>th</sup> Avenue North. She stated that the subject site is under ¾ acre in size and currently consists of one single-family home. The proposal to change the future land use designation from Residential-Medium Density (RS-MD) to Mixed Use (MU) is compatible to the surrounding properties to the east, west and south; it meets the Level of Service standards; it meets concurrency; it

meets the goals, objectives and policies of the City's Comprehensive Plan and Florida Statutes. The Planning Commission recommended approval on January 6, 2016; therefore, staff recommends approval of CPA-15-07 through the adoption of Ordinance No. 2016-01. Mrs. Ferris confirmed that this Ordinance was advertised for public hearing and a Courtesy Notice was mailed to surrounding property owners within 300 ft. of the subject site.

Mayor Ferreri called on Councilmembers for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to Ordinance No. 2016-01 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-01 on second reading. Councilwoman Rivera seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

- B. **PUBLIC HEARING: Ordinance No. 2016-02:** Second Reading; Approving the application for a zoning change for one parcel of land totaling approximately 0.746 acres, located at 609 Jackson Avenue, from Residential Medium-1 (RM-1) to Mixed Use Development-Original Section (MXD-OS), as requested by the owners, G.P. and Louise C. Suggs; providing for changes to the official zoning map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Acting City Manager.

Denise McGrew, City Clerk, read Ordinance No. 2016-02 into the record on second reading.

Mrs. Ferris noted that this is the companion item to the future land use amendment just heard. The site consists of an existing single-family home to be demolished for a Family Dollar. The proposal is to rezone 0.746 acres from Residential Medium-1 (RM-1) to Mixed Use Development-Original Section (MXD-OS). Mrs. Ferris stated the proposed zoning designation is compatible with the surrounding properties to the east, west and north. The MXD-OS zoning designation was designed specifically for the Original Section to address compatibility with existing single and multi-family residential units. The proposal meets the ten (10) zoning change criteria; therefore, staff recommends approval of ZC-15-07 through the adoption of Ordinance No. 2016-02. Mrs. Ferris confirmed that this Ordinance was advertised for public hearing and a Courtesy Notice was mailed to surrounding property owners within 300 ft. of the subject site.

Mayor Ferreri called on Councilmembers for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to Ordinance No. 2016-02 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION:** Councilwoman Dugo made a motion to approve Ordinance No. 2016-02 on second reading. Councilwoman Rivera seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

- C. **PUBLIC HEARING: Resolution No. 2016-06:** Approving the abandonment of a portion (200 lineal feet) of a certain platted alley within Greenacres Plat No. 2, as recorded in Plat Book 13, Pages 3 and 4, public records of Palm Beach County; as requested by G.P. & Louise C. Suggs and Inshan & Radica Hosein; providing for changes to the Official City Map; providing for repeal of conflicting resolutions; providing for severability; and providing for an effective date; pursuant to Staff Memo, Staff Report and Exhibits - Thomas J. Lanahan, Acting City Manager.

Denise McGrew, City Clerk, read Resolution No. 2016-06 into the record.

Zoning Administrator Kara Ferris presented the request for abandonment of a 20 ft. by 200 ft. alleyway in Greenacres Plat 2 between four (4) sites under review for the construction of a Family Dollar. Mrs. Ferris noted that the four (4) sites are currently vacant with one single-family home. Mrs. Ferris provided a brief history of the 2001 Joint Planning Charrette and the City's vision for revitalizing the 10<sup>th</sup> Avenue North Corridor. Since then, the City has invested in infrastructure improvements to promote and encourage redevelopment.

The proposal is consistent with the City's Comprehensive Plan; it meets the statutory requirements for abandonment. Property owners of the four sites obtained the necessary approval from utility providers and provided access easements. Courtesy Notices were mailed to property owners within 300 ft. of the subject site.

Mrs. Ferris presented a concept plan for the Family Dollar and noted that construction would not be possible without the abandonment of this alleyway since it is located in the middle of the site. She stated staff recommends approval of AB-15-02 through the adoption of Resolution No. 2016-06, subject to staff's three (3) conditions of approval.

Mayor Ferreri called on Councilmembers for comments; hearing none, he called on the applicant.

Jason Gunther of Thomas Engineering Group stated he was in agreement with staff's three (3) conditions of approval.



Mayor Ferreri called on Councilmembers for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to Resolution No. 2016-06 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION :** Deputy Mayor Pearce made a motion to approve Resolution No. 2016-06. Councilwoman Dugo seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 -0.**

- D. **Site Plan (SP-15-05) Approval – Family Dollar:** Site Plan approval for Family Dollar to be located on the north side of Tenth Avenue North between Walker and Jackson Avenues; pursuant to Staff Memo and Staff Report - Thomas J. Lanahan, Acting City Manager.

Mrs. Ferris described the proposed site plan for a Family Dollar to be located on four (4) parcels of land on the north side of 10<sup>th</sup> Avenue North between Walker and Jackson Avenues. The site currently consists of one single-family home to be demolished for the construction of an 8,687 sq. ft. retail building. The elevations show a building in Florida vernacular architectural style with clapboard siding and a front porch, an approved color scheme, a dumpster enclosure with the same architectural features as the building, a buffer wall adjacent to the residential properties to the north. Lighting requirements have been met and the lighting will be dimmed at time of closing. The landscape plan provides for the preservation of a number of tree species and perimeter landscaped buffers will be maintained by the applicant. An existing wall on Jackson Avenue east of the subject site will be moved to the interior of the site to enhance beautification of the site. Access to the site will be from Jackson and Walker Avenues; deliveries will be made to the rear of the site to lessen the impact on neighboring residents. Water and sewer will connect to the new City-installed infrastructure. She stated staff recommends approval of SP-15-05 subject to staff's thirty-one (31) conditions of approval.

Mayor Ferreri called on the applicant for comment.

Jason Gunter of Thomas Engineering Group stated he was in agreement with staff's thirty-one (31) conditions of approval.

Mayor Ferreri called on Councilmembers for comments.

Councilwoman Dugo asked if the 2 handicap spaces being proposed were sufficient.

Mrs. Ferris noted that it meets the minimum code requirements for handicap

spaces.

**MOTION :** Deputy Mayor Pearce made a motion to approve SP-15-05 subject to staff's thirty-one (31) conditions of approval. Councilwoman Bousquet seconded the motion.

Discussion on the Motion:

Councilwoman Rivera asked if based on the proposed delivery hours between from 8:00 am – 9:00 pm, what time is their latest delivery? Mr. Gunther was unsure and could only confirm deliveries would take place only during business hours.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5- 0.**

- E. **PUBLIC HEARING: Ordinance No. 2016-03:** First Reading; Annexing eight parcels of land totaling approximately 7.27 acres, located at the southwest and northwest corners of Lake Worth Road and South Jog Road, as requested by the Planning and Engineering Department in accordance with Chapter 171.0413 of the Florida Statutes; providing for redefining the boundary lines of the City of Greenacres to include the subject property in the City's Official Boundary Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo, Staff Report and Urban Services Report – Thomas J. Lanahan, Acting City Manager.

Denise McGrew, City Clerk, read Ordinance No. 2016-03 into the record on first reading.

Mrs. Ferris described the City-initiated request to annex 7.27 acres of land located on the northwest and southwest sides of Lake Worth Road and South Jog Road. The site consists of 8 parcels in total, 6 on the south side of Lake Worth Road and 2 on the north. Chapter 171.0413(5-6), F.S., requires 51% of the property owners to consent to annexation.

The Crossroads Shopping Center located on the south side of Lake Worth Road, was approved in 1979 and consists of a Boston Market, a retail parcel, a Marathon Convenience Store with fuel sales and a 7,500 office building. On the north side of Lake Worth Road, the two parcels being proposed for annexation are the PNC Bank and Firestone Auto Repair Center.

Mrs. Ferris reported that if the proposed parcels are approved for annexation, 3 of the 4 corners would be located in the City. Five out of the six property owners to the south have consented to annexation which represents 4.10 acres or 56.4% which exceeds the statutory requirements. The subject site is regular in shape; it is compact and contiguous to City boundaries on the north, west and east and is

located within the City’s Future Annexation Area. The Planning Commission recommended approval on January 20, 2016; therefore, staff recommends approval of ANX-15-02 through the adoption of Ordinance No. 2016-03.

Mayor Ferreri called on Councilmembers for comments.

Councilman Noble recalled the City attempting annexation of the PNC Bank years earlier.

Acting City Manager Thomas J. Lanahan explained that a prior voluntary annexation had mistakenly included the legal description for the bank. However, the bank did not agree to annexation at that time.

Councilman Noble asked if the merchants are notified of the City’s intent to annex.

Mrs. Ferris explained that notices were sent to gauge their interest in annexing prior to this process. She confirmed that the City did not receive any objections or responses from any property owner regarding this annexation.

Discussion followed over the cost to businesses following annexation and how this annexation would facilitate less confusion for future fire rescue calls to the area.

Mayor Ferreri called on Councilmembers for comments; hearing none, he opened the meeting to the public. He asked if anyone was in favor of, or opposed to Ordinance No. 2016-03 to come forward. Seeing no one come forward, he closed the meeting to the public and called for a motion.

**MOTION :** Councilwoman Bousquet made a motion to approve Ordinance No. 2016-03 on first reading. Deputy Mayor Pearce seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

- F. **Ordinance No. 2016-04:** First Reading; Amending the future land use map of the future land use element of the City’s Comprehensive Plan, to change the future land use designation of eight parcels of land totaling approximately 7.27 acres, located at the southwest and northwest corners of Lake Worth Road and South Jog Road, from a Palm Beach County designation of Commercial High with an underlying 8 units per acre (PBC CH 8) to a City of Greenacres designation of Commercial (CM), as requested by the Planning and Engineering Department; providing for repeal of conflicting ordinances; providing for severability; providing for transmittal to the Division of Community Development; providing for inclusion in the Comprehensive Plan; and providing for an effective date; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Acting City Manager.

Denise McGrew, City Clerk, read Ordinance No. 2016-04 into the record on first reading.

Mrs. Ferris stated that this is the companion land use amendment to the annexation just approved on first reading. The proposal is to change the future land use designation of eight (8) parcels of land totaling 7.27 acres from a Palm Beach County designation of Commercial High with an underlying 8 units per acre (PBC CH 8) to a City of Greenacres designation of Commercial (CM). Six of the eight parcels are in the Crossroads Shopping Plaza located at the southwest corner of Lake Worth Road and South Jog Road and two are outparcels of Greenacres Plaza (Firestone and PNC Bank), located on the northwest corner of Lake Worth Road. She stated the proposal is consistent with the surrounding land uses; it is compatible; it meets concurrency and Levels of Service, as well as the goals, objectives, and policies of the City's Comprehensive Plan, the Treasure Coast Regional Planning Council's Strategic Regional Planning Policy (SRPP) and Florida Statutes. The Planning Commission recommended approval on January 20, 2016; therefore, staff recommends approval of CPA-15-06 through the adoption of Ordinance No. 2016-04.

Mayor Ferreri called on Councilmembers for comments.

Councilman Noble pointed out that Wawa is a national chain and Greenacres is honored to have them locate their business here. Greenacres is bringing in new business and this project will create new jobs.

**MOTION :** Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-04 on first reading. Councilwoman Rivera seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 - 0.**

- G. **Ordinance No. 2016-05:** First Reading; Approving the application for a zoning change for eight parcels of land totaling approximately 7.27 acres, located at the southwest and northwest corners of Lake Worth Road and South Jog Road, from a Palm Beach County zoning designation of General Commercial (PBC CG) to a City of Greenacres zoning designation of Commercial Intensive (CI), as requested by the Planning and Engineering Department; providing for changes to the Official Zoning Map; providing for repeal of conflicting ordinances; providing for severability; and providing for an effective date; pursuant to Staff Memo and Staff Report – Thomas J. Lanahan, Acting City Manager.

Denise McGrew, City Clerk, read Ordinance No. 2016-05 into the record on first reading.

Mrs. Ferris described the companion zoning change request to the annexation and the land use amendment approved on first reading. She stated the request is to change the zoning designation of eight (8) parcels of land totaling 7.27 acres located on the northwest and southwest corners of South Jog and Lake Worth Roads. This is a City-initiated request to change the zoning designation from a Palm Beach County zoning designation of General Commercial (PBC CG) to a City of Greenacres zoning designation of Commercial Intensive (CI). Mrs. Ferris stated the proposal is consistent and compatible with the existing properties on the site. She noted that the existing site plan and special exception approvals granted by the County for the existing businesses will remain with those sites until such time as changes are requested. She reviewed the various County approvals for the existing businesses of the subject site.

Mrs. Ferris noted that the proposal includes rezoning two outparcels (Firestone and PNC Bank) located on the northwest corner of South Jog and Lake Worth Roads. Both have special exception approvals for those uses for an auto service and a drive thru. Any proposed changes would require they meet City Code.

The proposal is consistent with the adjacent parcels; it is consistent with the City's Comprehensive Plan and it meets the ten (10) zoning change criteria. The Planning Commission recommended approval on January 20, 2016; therefore, staff recommends approval of ZC-15-06 through the adoption of Ordinance No. 2016-05.

Mayor Ferreri called on Councilmembers for comments. He noted that he and Mr. Lanahan had learned about Wawa wanting to locate in Palm Beach County approximately one year ago. Wawa's pay scale is above the average of their competitors. They offer full-time positions and benefits, creating jobs people need. This is a good match for the City.

**MOTION :** Deputy Mayor Pearce made a motion to approve Ordinance No. 2016-05 on first reading. Councilwoman Bousquet seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Councilwoman Rivera, Councilman Noble, Councilwoman Dugo, and Councilwoman Bousquet.

**Motion carried: 5 -0.**

H. **PBSO Contract Amendment** – James D. Stokes, City Attorney.

This item was rescheduled to the February 22, 2016 City Council Meeting.

I. **Council Policy No. 29:** Appointments to Boards and Committees – James D. Stokes, City Attorney.

City Attorney James Stokes noted that this item was discussed at the January 4, 2016 City Council meeting and he was asked to include it as a regular agenda item. The format of the policy remains unchanged based on the discussions of January 4<sup>th</sup> wherein it was noted that if an unexpected vacancy or upcoming

term expiration occurs, the City Clerk will notify Council of the vacancy. Council will have 14 days to nominate interested individuals and have them complete and submit a City board application. The City Clerk will then prepare a memo to Council announcing the appointments to the various boards.

Councilman Noble asked Mr. Stokes to repeat the proposed process for board appointments.

Mr. Stokes explained that when an unexpected or upcoming vacancy occurs, the City Clerk will notify Council of that vacancy. Council will then have 14 days to put forth a nomination. Once the nominees are qualified, the Clerk will prepare a memo 7 days following the nomination period and present the list of nominees to Council for appointment.

Councilman Noble asked if this involved process replaces the more current and easier appointment process.

Mr. Stokes noted that there are two City boards that are mandated by Ordinance (Planning Commission/Local Planning Agency and the Zoning Board of Adjustments and Appeals), where the Ordinance dictates the appointment process. He noted that there is also an Administrative Policy that states the City Manager and the Mayor interviewed applicants and made recommendations to Council for appointment. This revised Council Policy intends to replace that process.

Councilman Noble clarified that the changes being proposed are to allow for the appointment of anyone of Council's choosing to a board. He pointed out that with a 3/2 majority, Council will be able to decide who to choose. The fact is there is a stranglehold of three (3) Councilmembers who will now be able to decide who they want, regardless of whether the applicant has been cleared and regardless of who they are, they can be appointed.

Mr. Stokes disagreed, stating that applicants would still be vetted through the City Clerk's office for eligibility. He recommended that vacancies be posted on the City's website so interested parties could apply.

Councilwoman Bousquet asked about applicant interviews.

Mr. Stokes explained that the intent of this Policy is to place board appointments in the hands of Council; the missing element is the interview portion of the process.

Councilman Noble pointed out that placing the interviews in the hands of Council is dangerous especially with a 3/2 majority.

Mr. Stokes stated that board appointments are already in the hands of Council, the difference is how the list of nominees is presented to Council that is the focus.

Councilwoman Dugo believed this was a proactive approach for filling vacancies. If there is a shortage, Council can proactively seek volunteers and notify them of the vacancies available.

Councilwoman Bousquet stated that this policy changes the City Manager and Mayor interview process which has worked well. The intent here is to remove the Mayor from the process and is inappropriate.

Deputy Mayor Pearce pointed out that now you will have 5 people bringing in volunteers where the Council didn't have that ability before, only the Mayor. This expands the process and makes it more proactive.

Mayor Ferreri pointed out that Mr. Pearce's statement was incorrect. There is a memo listing the vacancies and any Councilmember under the current standing can bring volunteers forward. The only difference is he tries to ensure cross-representation among districts since some boards are dominated by one district more than others. He noted that there are times where some applicants have had code violations and want to obstruct the process. In the interview process they have been weeded out; basically shielding Council. The current policy is good and he liked the idea of Council involvement, but believed the policy needed to be revised.

Councilwoman Dugo noted that her district is very active with volunteers. And although she understands the theory, she does not want meetings cancelled due to the lack of a quorum.

**MOTION :** Deputy Mayor Pearce made a motion to approve Council Policy No. 29. Councilwoman Dugo seconded the motion.

Discussion on the Motion:

Councilwoman Bousquet asked if there will be a designated person to conduct the volunteer interviews.

Mayor Ferreri explained that the interviews will be conducted by Council during Council meetings.

Councilwoman Rivera asked Mr. Stokes if this policy will include the website as well.

The Mayor confirmed it already does.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera, and Councilwoman Dugo. **Opposed:** Councilman Noble and Councilwoman Bousquet.

**Motion carried: 3- 2.**

- J. Palm Beach Villas II Sidewalks – Thomas J. Lanahan, Acting City Manager.

Acting City Manager Thomas J. Lanahan noted that at the January 19, 2016 Council Meeting, the consensus was to gather data regarding sidewalk gaps city-wide and provide a cost estimate for phasing purposes to be presented at the February 22, 2016 City Council Meeting for discussion. Councilwoman Rivera requested that information on Palm Beach Villas II be presented tonight. He explained that the content is the same as presented on January 19<sup>th</sup>; therefore, staff recommends consideration of this project for the FY 2017 budget.

Councilwoman Rivera noted that she did not see any reason to delay this project any longer and her district should not have to wait. It will not require any budget changes since the FY 2016 Budget already includes a Contingency Account.

**MOTION :** Councilwoman Rivera made a motion to designate \$100,000 from the Contingency Account for Phase I of the Palm Beach Villas II Sidewalk Project. Deputy Mayor Pearce seconded the motion.

Discussion on the Motion:

Councilwoman Bousquet asked what happened to the City-wide study on sidewalks that was previously discussed.

Mr. Lanahan reported that the information-gathering is underway. He reported that Public Works conducted a survey to identify the gaps. A cost estimate was forthcoming with a breakdown by neighborhood for comparison.

Councilwoman Rivera reiterated that since the areas have already been identified, the City can proceed with Phase I in District I.

Councilwoman Dugo stated that no one is opposed to conducting a study; however, the areas in need have been identified. "Due to the growth of the City, we should address this now".

Councilwoman Rivera reminded Council that this was prompted due to the need of two disabled residents in her district that are using the street to travel.

Councilwoman Bousquet was in agreement that specific areas in District I should be addressed immediately; however, there are other areas with the same concerns.

Mayor Ferreri stated that he had visited District I and witnessed the residents riding in the streets on motorized scooters. He cautioned Council however, on taking action on a 4-5 year commitment without conducting proper research and possibly omitting neighborhoods with the same needs.

Councilwoman Dugo asked Mr. Lanahan how long would it take to complete staff's study.



Mr. Lanahan proposed February 22<sup>nd</sup> to identify the gaps and provide a cost estimate for those gaps.

Deputy Mayor Pearce urged Council to get the ball rolling since District I has a lot of problems.

Mayor Ferreri called for a vote on the motion.

**VOTE ON THE MOTION:**      **In Favor:** Deputy Mayor Pearce, Councilwoman Rivera and Councilwoman Dugo.  
**Opposed:** Councilman Noble and Councilwoman Bousquet.

**Motion carried: 3 - 2.**

Mayor Ferreri urged Councilwoman Rivera to look at other neighborhoods in her district because the actual costs could be significantly higher Citywide than what is being discussed here.

Councilwoman Rivera said the City could incorporate those costs in other phases in FY 16 and FY 17.

**8. Comments from the Public.**

Bert Molow, resident of 381 Hammocks Trail, questioned the \$25 alarm permit fee and the City's portion of 75% of those fees, or \$18.75, and where those revenues collected would be applied.

Assistant City Manager Thomas J. Lanahan explained those revenues would be placed in the General Fund as they are not assigned to a particular project.

Mr. Molow asked if this breakdown was included in the PBSO contract and if any other municipality contracting with PBSO is receiving the same percentages.

Mr. Lanahan stated he did not know.

PBSO Capt. Sean Murray stated it varied for each municipality.

Mr. Molow noted that residents in his community are asking for clarification on how many false alarm calls they will be allowed before being fined, 2 or 3?

PBSO Capt. Sean Murray explained they will be allowed two false alarm calls, then scaled rates begin starting at \$50 on up, the same as what Greenacres has charged in the past. He explained if PBSO receives a false alarm call, the PBSO Alarm Unit will check the residence. If the property owner has not paid the \$25 annual permit fee, PBSO will send out an application. If unpaid, the Alarm Unit will send out a second notice. If the permit fee is not paid, a \$260 fine will apply.

**9. Staff Comments:**

A. **City Manager's Report:**

Special Meetings & Public Comments

Assistant City Manager Thomas J. Lanahan reported working with the City Clerk and City Attorney on creating a new template for Special Meetings and Comments From the Public. He noted that Comments from the Public on Agenda Items Only will remain.

Mayor Ferreri believed the City should err in favor of the public. If people take the time to attend they should be allowed to speak, unless the meeting is an emergency meeting. In his opinion, it is important to hear from the public.

Mr. Lanahan noted that the concern is over having general comments made about items not related to the agenda.

City Attorney James Stokes agreed if the meeting is a Special Meeting, then the public should not be able to comment. Their comments can be heard at regular meetings per State Statutes.

Mayor Ferreri disagreed, noting that State Statutes do not preclude the public from comments. As a 31-year public servant, he believed the public has a right to speak. He believed this was a way of muzzling the public because you do not want to hear from them. He pointed out that just tonight, there was an agenda item that was changed and acted on and the public has the right to comment. The public has a right to speak, they elected us; they should be heard.

Councilman Noble was in full agreement with the Mayor's comments and was glad this issue was raised.

Councilwoman Dugo pointed out that Special Meetings are rare and specific to certain business. No one is muzzling the public, but to allow people to speak on anything other than an agenda item is not allowed by Statute.

PBSO Presence at Council Meetings

Mr. Lanahan reported being in conversations with Capt. Murray to provide police presence at all public hearings with a uniformed law enforcement officer.

PBSO Transition

Mr. Lanahan reported that today was the first day of the contract. Services are being provided with innumerable PBSO staff at the former Headquarters.

B. **City Attorney's Report.** None.

10. **Mayor and City Council Reports.**

New City Manager

Councilwoman Dugo noted that Andrea McCue has moved to Greenacres and is now available; therefore, Mr. Lanahan can return to his regular duties since Ms. McCue will be available by phone.

Mayor Ferreri noted that her official start date is February 8, 2016.

Newly appointed City Manager Andrea McCue reported that she is dealing with some logistical items with her transition and will be available, just not full days.

Councilwoman Rivera asked Mrs. McCue if she would be receiving calls and checking her e-mail.

Mrs. McCue said, "Yes I checks my e-mails often".

Councilwoman Bousquet pointed out that Council agreed that Mrs. McCue would start on February 8<sup>th</sup> and she has made herself available; it is unfair to ask her to start sooner. Her contract starts on February 8<sup>th</sup>.

Mayor Ferreri noted that Mr. Lanahan has been involved with the PBSO transition and should continue. One week will not hurt anything; allow Mrs. McCue to start without additional pressure.

Councilwoman Rivera asked the Mayor to call for a consensus on Mrs. McCue receiving e-mails and being on-call.

Councilwoman Rivera: Yes.

Councilman Noble: No.

Councilwoman Dugo: Come onboard, sign papers and take on Charter responsibilities.

Deputy Mayor Pearce: Yes.

Councilwoman Bousquet: Wait until February 8<sup>th</sup>.

Mr. Stokes pointed out that Mrs. McCue's contract does state February 8<sup>th</sup>; however, clarification is needed. Only one city manager can be involved. He suggested that to ensure that she is involved in any upcoming hiring, budgetary issues or contracts, that Council direct Mr. Lanahan to obtain her approval on any such items.

Councilwoman Rivera asked Mrs. McCue to add Council Policy No.11 to the March 7, 2016 Agenda which deals with discussion items on Council agendas.

Mayor Ferreri recommended that the City Attorney also review the Charter since items in Council Policy No. 11 were based on the Charter.

Mr. Lanahan asked for clarification on whether he was to continue as Acting City Manager until February 8<sup>th</sup> and then as consultant on significant pending items.

Mayor Ferreri

Mayor Ferreri noted that the next Council Meeting would be held on February 22, 2016; that the PBSO swearing-in ceremony would be held on February 2, 2016 at 5:00 pm here at City Hall, and on February 13<sup>th</sup> the City would be holding "Love on the Lawn" at 4:00 pm, with roses for the ladies and chocolates for the gentlemen.

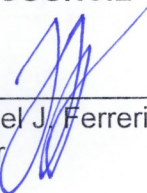
Deputy Mayor Pearce

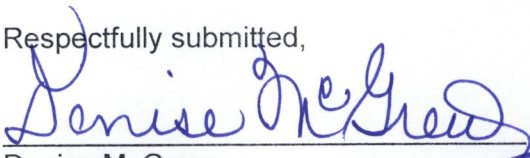
Deputy Mayor Pearce reported on the first concert held at Community Park on Friday, January 29<sup>th</sup> and invited residents to attend the upcoming concerts to be held on February 26<sup>th</sup> and March 25<sup>th</sup>.

**11. Adjournment.**

Mayor Ferreri inquired if there were any additional comments; hearing none, he adjourned the meeting at 8:50 p.m.

CITY COUNCIL

  
\_\_\_\_\_  
Samuel J. Ferreri  
Mayor

Respectfully submitted,  


Denise McGrew,  
City Clerk/Administrative Services Director

Date Approved: 3-7-16



/mel